

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Brandon Paul Garner

Docket No. 4:14-CR-66-2FL

Petition for Action on Supervised Release

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brandon Paul Garner, who, upon an earlier plea of guilty to 14 U.S.C. § 88(c) and 18 U.S.C. § 2, Communicating False Distress Messages and Aiding and Abetting, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on June 9, 2015, to the custody of the Bureau of Prisons for a term of 28 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Brandon Paul Garner was released from custody on April 12, 2017, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 21, 2017, the defendant committed the offenses of Driving While Impaired (17CR058196), Driving Without a Properly Operating Headlight and Taillight (17IF707689), and Operating a Motor Vehicle Without Proper Insurance or Registration (17CR709664), in New Hanover County, North Carolina. According the arrest reports filed by the North Carolina Highway Patrol in Wilmington, North Carolina, the defendant was operating a moped on Highway 133 and was stopped and appeared to be intoxicated. He admitted consuming alcohol after finishing work and before getting on his moped. The case is pending trial on November 30, 2017, in New Hanover County District Court. The defendant admitted his involvement in this offense and admitted to consuming alcohol in violation of the abstinence condition imposed by the court. Accordingly, we have referred him to substance abuse and mental health counseling and are recommending supervision be continued. Additionally, it is recommended that a punitive sanction be imposed requiring the defendant to serve 5 days in jail intermittently as directed by the probation officer. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2046
Executed On: September 29, 2017

ORDER OF THE COURT

Considered and ordered this 2nd day of October, 2017, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge